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ELI LILLY AND COMPANY  
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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 STATE OF CALIFORNIA *ex rel.* JAYDEEN ) Case No. 07-cv-04911-CRB  
21 VICENTE and JAYDEEN VICENTE )  
22 Individually, ) Assigned to: Hon. Charles R. Breyer  
23 Relators, )  
24 v. ) **DECLARATION OF TIMOTHY T. SCOTT**  
25 ) **IN SUPPORT OF SUPPLEMENTAL**  
26 ELI LILLY AND COMPANY, ) **REQUEST FOR JUDICIAL NOTICE IN**  
27 Defendant. ) **SUPPORT OF MOTION TO DISMISS**  
28 )  
Date: December 7, 2007  
Time: 10:00 a.m.  
Place: Courtroom 8, 19th Floor

1 I, Timothy T. Scott, declare as follows:

2 1. I am an attorney with Sidley Austin LLP, counsel for defendant Eli Lilly and  
3 Company ("Lilly") in the above-captioned matter, and admitted to practice before this Court. I make  
4 this declaration in support of Defendant's Supplemental Request for Judicial Notice in Support of  
5 Motion to Dismiss ("Supplemental Request for Judicial Notice").

6 2. Attached to the Supplemental Request for Judicial Notice are true and correct  
7 copies of the following documents:

8 a. Exhibit 1: Margaret Cronin Fisk, *Lilly Fraudulently Marketed Zyprexa,*  
9 *Montana Claims*, BLOOMBERG NEWS, Mar. 12, 2007.

10  
11 I declare under penalty of perjury under the laws of the United States that the  
12 foregoing is true and correct. Executed on this 21<sup>st</sup> day of November 2007 at San Francisco,  
13 California.

14  
15 /s/ Timothy T. Scott

16 Timothy T. Scott  
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